

Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated April 9, 2003, indicated that the information disclosure statement filed on January 7, 2003, fails to comply with various patent provisions for failing to include a form 1449, claims 8 and 10 stand rejected under §102(e) as being anticipated by *Miller et al.* (U.S. Patent No. 6,373,568); claim 9 is objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form; and claims 1-7 are allowed.

Applicant appreciates the allowance of claims 1-7.

Applicant also appreciates the indication of allowance of claim 9 and has amended claim 9 to include all of the limitations of the base claim, claim 8. Applicant submits that the amendment overcomes the objection and places claim 9 in condition for allowance.

With respect to the section 102(c) rejection, Applicant respectfully traverses because the Office Action fails to present a reference that teaches or suggests each limitation of the claimed invention. Claim 8 (as amended) is directed to an LED luminaire including, for example, "an array of light sensors, each light sensor associated with an LED or a partial array of LEDs, each light sensor positioned to intercept and measure at least a portion of the light output of its associated LED or partial array of LEDs." In an attempt to provide correspondence to these limitations, the Office Action erroneously asserts that the CCD array of the '568 reference teaches or suggests such limitations.

Applicant has amended claim 8 to recite that the LEDs associated with a light sensor are a partial array or less than the full array of LEDs. This feature was already inherent in the original claim and therefore the amendment does not narrow the scope of the claim.

The assertion that the '568 CCD array corresponds to Applicant's claimed array of light sensors each of which is specifically associated with an LED or partial array of LEDs is without factual basis. The Office Action erroneously contends that merely because the light sensors intercept at least a portion of the light from the LEDs, there is an association between the CCD array and the LEDs in the spectral illuminator. In fact,

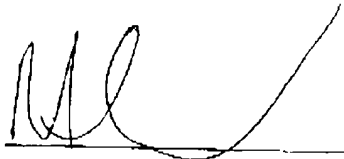
the Office Action fails to present any evidence, or even one example of the claimed association. Applicant's Specification clearly shows numerous examples of a light sensor associated with an LED or partial array of LEDs, for example, see Figures 4-7 and the corresponding discussion of the figures at page 5. The Office Action fails to present correspondence to Applicant's claimed association; therefore, the section 102(e) rejection must fail. Applicant requests that the rejection be withdrawn.

Claim 10 depends from claim 8 and is likewise not taught by the '568 reference as discussed above. As such, Applicant requests that the section 102(e) rejection be withdrawn.

In view of the remarks above, Applicant believes that each of the rejections has been overcome and the application is in condition for allowance. Should there be any remaining issues that could be readily addressed over the telephone, the Examiner is asked to contact the agent overseeing the application file, Mr. Eric M. Bram, of Philips Corporation at (914) 333-9635.

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